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February 18, 2021

APPLICATION GRANTED

SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 2/24/2021

VIA ECF

The Honorable Vernon S. Broderick
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

The *Fatico* hearing is adjourned to April 23, 2021 at
10:00 a.m.

Re: *United States v. Michael Mendlowitz*, S2 17-cr-0248 (VSB)

Dear Judge Broderick:

We write with respect to the *Fatico* hearing currently scheduled for March 12, 2021. As noted in prior submissions on this issue, Mr. Mendlowitz declines to waive the right to be physically present and he does not consent to witness testimony via videoconference. In view of the ongoing Covid-19 pandemic, including New York state quarantine restrictions and the restrictions on entering the Courthouse applicable to travelers from Wisconsin and Georgia, states where witnesses to be called at the hearing reside (*see* Second Amended Standing Order, *In re Coronavirus/COVID 19 Pandemic*, Feb. 16, 2021 (M-10-468 (CM))), the parties agree that a one-month adjournment of the scheduled hearing is appropriate.

Accordingly, we respectfully request that the Court re-schedule the hearing for the week of April 12, 2021. We will update the Court in mid-March as to whether the hearing may proceed as scheduled.

Respectfully submitted,

/s/ Patrick J. Smith

Patrick J. Smith
Smith Villazor LLP